

Sundance plat gets approval

Makes way for for sixth phase of expansion

By JOSEPHINE ZIMMERMAN
Herald Staff Writer

PROVO — Utah County commissioners Monday approved the sixth amendment to Sundance Recreational Resort, despite objections by Robert Bennion, a canyon resident.

Bennion has been a frequent opponent of Sundance development.

The latest amendment will include the Morley lot and cabin as part of the resort. The cabin, according to the application, is proposed to be utilized as a day-care facility at the resort.

Plat A will now have seven lots instead of one. That was done so that more specific ownership can be accomplished. The lots now include the main resort area and open space, old firehouse, Stewart (vacant), screening room, rehearsal hall, administration building, and Morley cabin.

Bennion objected that the required notice had not been given to adjacent property owners, that an environmental impact statement was required for a large-scale development, and that the EIS should be prepared on a form supplied by the planning staff.

He said the staff failed to give the developer the required forms, that the developer failed to fill out the required forms, and the planning staff failed to reject the application because it had not been filled out.

He said the plat failed to show such things as flood channels, subsurface water, etc., and he claims he had never seen a development that failed to meet minimum requirements as this one does. There is no provision in the ordinance for separate lots other than in a subdivi-

sion, he claimed.

Bennion also charged that the theater is large enough to require fire sprinklers and should have gone to the county board of adjustment for approval. He also claimed the county surveyor should have signed off on the plat.

He also claimed that the day care facility operated on the Morley property is illegal because the cabin is a non-conforming use and a non-conforming use cannot be changed.

In response to questions by the commission, planning director Jeff Mendenhall said he has on file an EIS, and that every effort was made to notify neighboring property owners, although the new state code does not require notification for planning commission hearings, since the planning commission now only makes recommendations to the county commission.

Mendenhall also said his department does not have a set form, but

has a check-off sheet, which the developer filled out. He also said he had a signed statement from Paul Hawker in the county engineer's office that the plat had been reviewed and was accurate and complete.

Concerning the day care facility, Mendenhall said a license had been issued for residential day care, and noted "they would like to have a commercial day care center there."

He also disputed Bennion's claim that there is insufficient parking for the facilities.

Commissioners then closed their public hearing on the matter.

Bennion then declared that he had legally acquired and registered the name "Sundance Recreation Resort."

"I refuse to let this plat be recorded in a name that is owned by me," he stated.

Commissioners approved the plat change unanimously.

County's road budget spent

By JOSEPHINE ZIMMERMAN
Herald Staff Writer

PROVO — Utah County engineer Clyde Naylor told county commissioners Monday that he believes his crews "have done a fantastic job of keeping the county roads cleared of snow."

He said any complaints or concerns from the public have been answered promptly, and some people have commented that the county roads are in better condition than the city roads.

The county has been divided into districts, and the snow plow crew assigned to the different districts.

"They are able to call in help by radio, if one area has more

snow or problems than another," he said, attributing the arrangement to the success of the operation.

Naylor warned, however, that his department has already expended its entire 1993 budget for salt and overtime, and he may have to call on the county for help if the storms continue.

He also warned that the county has been hit with periods of thawing and freezing, which may cause an unusual breakup of roads in the spring.

Naylor also reported that the roofs of all county-owned buildings are being checked regularly for overloads.

"The most critical is the Health Department building, which is currently at capacity," he reported.

By KAYLENE NELSEN
Herald Senior Reporter

Courts Beat

From Herald Staff Reports

PROVO — Two men were ordered to prison Monday during 4th District Court action. Both were before Judge Ray M. Harding.

• Richard Karl Beddoes, 27, Springville, who was sent to prison earlier this month on a probation violation, will be spending up to five years there on a third-degree theft charge. Harding said the sentence could run concurrently with the present sentence. He must also pay restitution which is estimated at \$5,554. A hearing Feb. 1 will verify that amount.

• Harold G. Knox, 30, of Orem, was ordered to prison for one to 15 years for probation violations. He pleaded guilty in 1992 to two second-degree drug charges and received probation at that time. He told Harding he knows he has an alcohol problem and Harding urged him to get involved in alcohol programs while he's in prison.

• Patrick Barth, 26, 319 E. 100 North No. 1, Provo, will be spending 45 days in jail, without work release, beginning Wednesday morning.

Harding suspended one to 15 years in prison on a second-degree charge of forcible sexual abuse and placed Barth on probation for three

years. Defense attorney Tom Patton asked for leniency, noting that Barth from the beginning never minimized his crime and insisted Patton avoid a preliminary hearing so the victim did not have to testify. Barth, speaking briefly, apologized to the victim.

Harding ordered Barth to complete 80 hours of community service and continue therapy. He will have release from jail for that therapy. Barth must also pay for counseling for the victim and must have no contact with the victim.

Patton denied that his client had any part in having people call the victim. Witnesses tampering charges against those individuals are pending.

• Weather kept Alan William Jones, 32, from appearing for sentencing on two counts of second-degree sexual abuse of a child. He has been at the diagnostic unit at the prison for an evaluation and was scheduled to return Monday. However, all roads into Salt Lake County were closed Monday, making the trip impossible. He will be returned Jan. 22 for sentencing.

Woman pleads not guilty

By KAYLENE NELSEN
Herald Senior Reporter

PROVO — A woman accused of attempted homicide involving her husband pleaded not guilty and had a trial set for Feb. 10-11.

Marin M. MacDonald, 33, 165 N. 100 West, Lehi, entered the plea to the second-degree felony Monday before 4th District Judge Ray M. Harding. A pretrial conference was scheduled for Jan. 28 at 8:30 a.m. She is also charged with possession of drug paraphernalia, a class-B misdemeanor.

Prosecutor Phil Hadfield asked that MacDonald be ordered to not have contact with her husband but her husband said she has to go everywhere with him because of a medical condition. Harding then

selling marijuana in a drug-free zone. Defense attorney Sheldon Carter said he is filing a motion to dismiss the charge. Prosecutor Jim Taylor will respond by Feb. 11 and then Harding will rule on the motion. A trial will then be set if necessary.

• David Roger Hemmert, 22, 350 N. 1020 East No. 205, Provo, pleaded guilty to two second-degree charges of receiving stolen property. A confidential informant met with Hemmert and arranged to purchase a stolen motor bike. When the informant took the bike for a test drive, an electronic bug was attached. Officers tracked the bike to some storage units where a second stolen bike was also found.

While Orem residents may be complaining about shoveling their sidewalks almost hourly during recent storms, the consequences of not doing it may be even worse.

Steve Weber, maintenance division manager with Orem's public works department, said city ordinance 16-1-6 places responsibility for clearing snow off residential property on the resident.

If residents fail to comply, they can be charged with a class C misdemeanor which can carry a fine up to \$500. The cost to have city crews clear the sidewalks can also be charged to the homeowner.

"I'd much rather have the volunteer compliance. But if I get enough complaints or no compliance by the resident, the city attorney will file a formal complaint against them," Weber said.

The biggest problem seems to be homeowner's with double frontage, Weber said, a home which has its main entrance on one street, such as a cul-de-sac, but also borders another street to the rear.

Weber said residents are also responsible for clearing the snow on the rear sidewalk, even if they have a fence separating their yard from the sidewalk.

The ticketing process can become a long and complicated process because Weber doesn't have the authority to write a ticket or file a complaint himself. So far, no tickets have been issued this season.

Weber said he realizes some citizens are unable to clear their sidewalks because of age or health concerns. He urged those residents to contact neighbors, local Scout troops or church groups for assistance.

David Gunn, Provo's street and sanitation director, said that city also has an ordinance which requires homeowners to clear their sidewalks. Failure to do so can result in a misdemeanor charge, but the city doesn't pursue that route very often.

"We don't aggressively enforce it. If Sally Harding, the city ombudsman, calls them then they usually comply but if they don't, I'll go out and talk to them," Gunn said.